

**REMARKS**

Claims 1, 3-6, 8-11 and 13 are pending. By this Amendment, Claims 1 and 13 are amended. Support for the amendments is provided in Figures 3-4 as well as the corresponding description of the instant application, as originally filed.

As such, Applicants respectfully submit that no new subject matter is presented.

**Claim Rejections -- 35 U.S.C. §112**

Claims 1, 3-6, 8-11 and 13 are rejected under 35 U.S.C. §112, second paragraph. Applicants have amended the claims in a manner believed to be responsive to the rejection. Withdrawal of the rejection is respectfully requested.

**Claim Rejections - 35 U.S.C. §102 and §103**

Claims 1, 3-4 and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,884,009 to Okase; Claims 5-6 and 8-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okase; and Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okase in view of U.S. Patent Number 6,817,377 to Reimer et al. (Reimer).

Applicants respectfully traverse the rejections for at least the following reason(s).

Claims 1 and 13 each recite a film forming apparatus including, among other features, an exhaust port defined only by a lowermost surface of a side wall of the film-forming chamber and a lowermost surface of the film-forming chamber and a supply port that is defined only by an outer peripheral surface of the gas-mixing chamber and an inner surface of the film-forming apparatus. See Figures 3-4 of the application for

exemplary illustrations of the above-described aspects of the invention recited by Claims 1 and 13.

Applicants respectfully submit that Okase and Reimer, alone or in any combination thereof, fails to disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13.

For example, Applicants note that Okase teaches the gas mixture is provided from a gas-mixing chamber through a conduit and into a space defined between upper disk 7a and middle disk 7b of the process gas supply unit 7. The gas mixture is then directed to the shower head or lower disk 7c by passing through process gas supply holes 73a defined in the middle disk 7b. See Figure 7 of Okase.

Applicants respectfully submit that Okase does not disclose, teach or otherwise suggest the process gas supply holes 73a being defined only by an outermost peripheral surface of the process gas supply unit 7 or the spaced defined by the upper disk 7a and middle disk 7b since the gas mixture is clearly taught as passing through the holes 73a formed in the body of the middle disk 7b. That is, the gas mixture does not flow around the middle disk 7b and to the shower head 7c.

Additionally, an exhaust duct taught by Okase is defined by a lowermost surface of a side wall 71 of the film-forming chamber and an uppermost surface of the block housing the purge exhaust duct 45. Therefore, the exhaust duct taught by Okase is not only defined by the lowermost surface of the side wall 71 and lowermost surface of the film-forming chamber.

Furthermore, Applicants submit that if the purge exhaust duct 45 is characterized as corresponding to the exhaust port recited by Claim 1 and 13, then Applicants respectfully submit such an opening would not be considered to be defined only by a lower most surface of the side wall 71 and lowermost surface of the film-forming chamber since the duct 45 is defined by the block and not just the side wall 71 and lower surface of the film-forming chamber.

In view of the above, Applicants respectfully submit that Okase fails to disclose, teach or otherwise suggest each and every feature recited by Claim 1 and 13.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited by a rejected claim must be taught by the applied art of record. Since Okase does not disclose, teach or otherwise suggest each and every feature recited by Claims 1 and 13, Applicants respectfully submit that Claims 1 and 13 are not anticipated by, or rendered obvious in view of, Okase and should be deemed allowable.

Reimer teaches a supply port communicated from a gas-mixing chamber to a shower head to supply a gas mixture, wherein the supply port is disposed above the shower head and on a diametrical extension line of the shower head, and wherein the supply port is arranged and constructed such that the gas mixture supplied from the gas-mixing chamber flows from a peripheral exterior on the top face of the shower head toward a central portion along the top face thereof. As such, Applicants submit that Reimer does not cure or otherwise address the above-described drawbacks and deficiencies of Okase.

Therefore, Applicants submit that Claim 1 is not rendered obvious in view of the teachings of Okase and Reimer, either alone or in any combination thereof, and should be deemed allowable.

Claims 3-6 and 8-11 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.

### **Conclusion**

In view of the foregoing, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1, 3-6, 8-11 and 13, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 026390.00009.**

Respectfully submitted,  
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